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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,232

09/22/2003

Joseph Ernest Lorkovic

4143-PAT

3566

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7590

07/28/2008

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EXAMINER

PARRA, OMAR S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/669,232</p>	<p>Applicant(s) LORKOVIC, JOSEPH ERNEST</p>	
	<p>Examiner OMAR PARRA</p>	<p>Art Unit 2623</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments:

Applicant's arguments towards claims 1-3 are moot, given that they are addressed to claims that were cancelled in applicant's response dated 11/07/2007. For purposes of expediting prosecution of the application, the examiner will respectfully consider applicant's arguments to be related to pending independent claim 4, as being anticipated by Schindler et al. (Patent No. 5,900,867) and not by Gregg (Patent NO. 2,800,050) as argued.

Applicant argues that Schindler does not meet the 'unit' limitation of the claim, due to the definition found on dictionary.com, where a unit is 'single thing or person' (page 5). To this matter, the examiner respectfully disagrees.

On the cited reference (dictionary.com), the mentioned definition is one of multiple definitions. The same reference also defines 'unit' as a) 'any group of things or persons regarded as an entity' or b) 'one of a number of things, organizations, etc., identical or equivalent in function or form: a rental unit'. Considering both definitions, on a) multiple things are considered as an entity by the examiner in the same manner a computer, composed of monitor, mouse, keyboard, cpu tower, etc. is considered a computing unit by an ordinary skilled in the art. On regards of b), both the keyboard 126 and the monitor 122, Fig. 1 are used to remotely control personal computer 118. The keyboard sends the control signals and the monitor shows the interface that depicts the multiple services, including video, that can be controlled using computer 118, as seen on interface displays in Figs. 13-14F. Given that both are use together for the same function, the examiner respectfully believes that they both form a unit. Therefore, given that the examiner has to read the claims with the broadest logical interpretation and without bringing limitations of the specification to the claims, the examiner believes that Schindler meets the 'unit' limitation as explained above.

Applicant also argues that 'the monitor is a random separate monitor from the large room mounted monitors of Schindler.... rather than portable...as a 'monitor in the den' vs. the other monitor as a large monitor in another room for entertainment" (page 6). To this matter, the examiner respectfully disagrees.

It seems that, first, the applicant is arguing the size of the monitor (large monitor in another room) not to be the 'approximately the size and form factor of a laptop computer' as recited on the claim. Schindler teaches that the one of multiple monitors 122 (col. 6 lines 7-14) is a computer monitor as a CRT or LCD monitor with the at least VGA capability and a resolution of 640 by 480 pixels (col. 8 line 48-col. 9 line 15), which are of 'approximately' (being this term vague, relative and open to multiple interpretations) of the size of the display of a laptop. A television set can also be one of the displays to be controlled by the keyboard and any of the multiple computer monitors (NTSC monitor 150, Fig. 1; col. 8 line 48-col. 9 line 15; col. 21 lines 20-52). Therefore, the examiner respectfully believes that the Schindler reference covers the 'approximately the size and shape' of the the display of a laptop.

Also, the applicant argues about the portability of the monitor of the remote control unit (page 6).

The recited claim language does not include limitations of the monitor of the remote control unit being portable. The portability of the remote control is explicitly represented on the wireless keyboard, which sends commands to the PC while being able to be portable given its wireless nature. Furthermore, the monitors can also be portable given their wireless nature (col. 21 lines 45-52). Additionally, in the case the monitor could not be considered wireless and portable, there is no language on the claim that makes the monitor to be integrated or manufactured in a single piece together with the keyboard. Being the control unit a two elements entity, the examiner respectfully believes that the Schindler reference still covers all the limitations of argued claimed limitations.

Additionally, the applicant argues that any combination of Schindler with Miller or Allport do not cover all claim limitations and they do not have a motivation to combine. On this matter, the examiner respectfully disagrees.

Based on the 'unit' definition and the above-mentioned response to arguments, the examiner believes that the combined teachings cover all the limitations of the argued claim. Furthermore, any combination between the reference is valid given that they correspond to an analogous art: controlling multiple display devices through a portable remote device.

Therefore, the examiner respectfully believes that the references of record still cover applicant's invention as claimed and maintains the rejection.